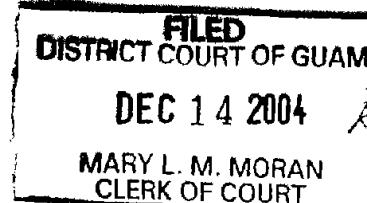


1 **ORIGINAL**

2
3 **MANTANONA**
4 LAW OFFICE

5
6 GCIC Bldg., Suite 601B
7 414 West Soledad Avenue
8 Hagatna, Guam 96910
9 Telephone (671) 472-3666
10 Facsimile (671) 472-3668



18 Attorney for **Lourdes M. Perez and Artemio R. Ilagan**

19
20 **IN THE UNITED STATES DISTRICT COURT**
21 **DISTRICT OF GUAM**

22 JULIE BABAUTA SANTOS, et. al.,) Civil Case No. 04-00006
23)
24 Petitioners,)
25)
26 vs.) **DECLARATION OF RAWLEN MT**
27) **MANTANONA IN SUPPORT OF**
28) **DEFENDANTS ILAGAN AND PEREZ'S**
29) **OPPOSITION TO ATTORNEY**
30) **GENERAL'S MOTION TO STRIKE ENTRY**
31) **OF APPEARANCE OF RAWLEN MT**
32) **MANTANONA AND SUBSEQUENT**
33) **DOCUMENTS**
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2 4. Attached as Exhibit "C" is a true and correct copy of a letter to Attorney
3 General Douglas B. Moylan and Assistant Attorney General Robert M. Weinberg from
4 Declarant dated December 10, 2004.

5 5. Attached as Exhibit "D" is a true and correct copy of the substitution of
6 counsel submitted to Assistant Attorney General Robert M. Weinberg on December 10,
7 2004.

8 6. That on December 10, 2004, Declarant discussed and requested substitution
9 in the above-entitled matter with the Assistant Attorney General Robert M. Weinberg who
10 stated he could not sign the substitution of counsel.

11 6. Attached as Exhibit "E" is a true and correct copy of the substitution of
12 counsel submitted to Attorney General Douglas B. Moylan on December 10, 2004.

13 7. Attached as Exhibit "F" is a true and correct copy of a letter to Artemio B.
14 Ilagan, from Attorney General Douglas B. Moylan denying the withdrawal and substitution
15 in the above-entitled matter dated December 13, 2004.

16 8. Attached as Exhibit "G" is a true and correct copy of a letter to Lourdes M.
17 Perez from Attorney General Douglas B. Moylan denying the withdrawal and substitution in
18 the above-entitled matter dated December 13, 2004.

19 9. Attached as Exhibit "H" is a true and correct copy of the written designation
20 for substitution of counsel pursuant to General Rule 19.1(b)(2) and proposed order
21 submitted to the District Court of Guam on December 13, 2004.

22 10. Attached as Exhibit "I" is a true and correct copy of the letter of selection for
23 representation of Defendant's Ilagan and Perez pursuant to emergency procurement dated
24 November 19, 2004.
25

1
2 I declare under penalty of perjury pursuant to the laws of the United States and of
3 the Territory of Guam that the foregoing declaration is true and correct.

4 Executed this 14th day of December, 2004, in Hagatna, Guam.

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RAWLEN MT MANTANONA

EXHIBIT “A”



Dipättamenton Kontribusion yan Adu'åna

DEPARTMENT OF

REVENUE AND TAXATION

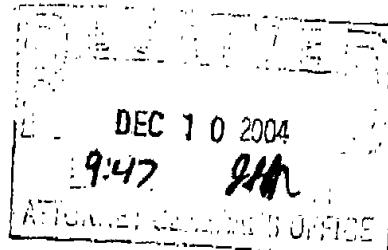
GOVERNMENT OF GUAM

Gubetnamenton Guåhan

COPY

FELIX P. CAMACHO, Governor, Magat
KALEO S. MOYLAN, Lt. Governor, Tinent GobernadorARTEMIO B. ILAGAN, Director
Diréktor
JOHN P. CAMACHO, Deputy Director
Segundo Director

December 9, 2004

**VIA HAND DELIVERY**

Douglas B. Moylan
 Office of the Attorney General
 Suite 2-200E, Guam Judicial Center
 120 West O'Brien Drive
 Hagatna, Guam 96910

RE: Discharge of Legal Representation of Director Loudes M. Perez and Artemio B. Ilagan in Julie B. Santos, et al. v. Felix P. Camacho, etc. et al./04-00006

Dear Mr. Moylan:

Please be advised that this letter evidences our desire to ask you to withdraw your representation in the above-entitled matter. I have retained independent counsel for my representation in the above-entitled case. I believe that a conflict of interest arises in the concurrent representation with Co-Defendant, Government of Guam and the positions you take in protecting the interests of the People of Guam. Further, I disagree with the legal opinions rendered by your assistant attorney generals in this matter and I am dissatisfied with their representation. Further, I do not believe that my rights and opinions as a party in this matter are being addressed and adequately represented. I believe that this is a denial of my due process and hereby ask you to sign a substitution of counsel forwarded to you by my retained counsel.

Sincerely,

Artemio B. Ilagan
 ARTEMIO B. ILAGAN

EXHIBIT “B”



Felix P. Camacho
Governor
Kaleo S. Moylan
Lieutenant Governor

GOVERNMENT OF GUAM
(GUSETNOMENTON GUAMAN)
DEPARTMENT OF ADMINISTRATION
(DIPATTAMENTON ATMENESTRASION)
DIRECTOR'S OFFICE
(Ufahan Direktor)

Post Office Box 884 • Hagatna, Guam 96932
Tel (671) 475-1101/1221 • Fax (671) 477-8788



Lourdes M. Perez
Director
Joseph C. Manibusan
Deputy Director

December 9, 2004

VIA HAND DELIVERY

Douglas B. Moylan
Office of the Attorney General
Suite 2-200E, Guam Judicial Center
120 West O'Brien Drive
Hagatna, Guam 96910

**RE: Discharge of Legal Representation of Director Lourdes M. Perez and
Artemio B. Ilagan in Julie B. Santos, et al. v. Felix P. Camacho, etc. et al./04-00006**

Dear Mr. Moylan:

Please be advised that this letter evidences our desire to ask you to withdraw your representation in the above-entitled matter. I have retained independent counsel for my representation in the above-entitled case. I believe that a conflict of interest arises in the concurrent representation with Co-Defendant, Government of Guam and the positions you take in protecting the interests of the People of Guam. Further, I disagree with the legal opinions rendered by your assistant attorney generals in this matter and I am dissatisfied with their representation. Further, I do not believe that my rights and opinions as a party in this matter are being addressed and adequately represented. I believe that this is a denial of my due process and hereby ask you to sign a substitution of counsel forwarded to you by my retained counsel.

Sincerely,

RECEIVED BY:

NAME: Jessica Castro
DEPT: Admin. div- A.G.
DATE: 12/10/04 TIME: 9:40
SIGNATURE: J. Castro

Lourdes M. Perez
LOURDES M. PEREZ

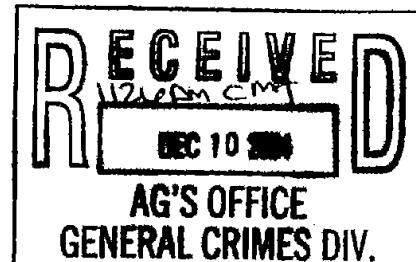
EXHIBIT “C”

December 10, 2004

VIA HAND DELIVERY

Douglas B. Moylan
Office of the Attorney General
Suite 2-200E, Guam Judicial Center
120 West O'Brien Drive
Hagatna, Guam 96910

Robert M. Weinberg, Esq.
Office of the Attorney General
Suite 2-200E, Guam Judicial Center
120 West O'Brien Drive
Hagatna, Guam 96910



**RE: Substitution of Legal Representation of Director Lourdes M. Perez and
Artemio B. Ilagan in Julie B. Santos, et al. v. Felix P. Camacho, etc. et al./04-00006**

Dear Gentlemen:

As you may know, I have been retained by Directors Artemio B. Ilagan and Lourdes M. Perez in the above-entitled case. I am aware that you are current counsel of record for these parties in the above-entitled case. I have been advised by the court to submit a substitution of counsel pursuant to Rule GR 19.1 to assume representation of these defendants. I am also aware as to your legal position in regard to representation of governmental officers. Nonetheless, I am forwarding to you substitution of counsels for your execution. I understand the Attorney General is currently attending to a private matter. Robert, I have taken the liberty of sending a second substitution of counsel for your signature to execute on the Attorney General's behalf if he has duly authorized you. If I do not receive the substitution of counsel back or filed in the District Court of Guam by 5:00 p.m. on December 10, 2004, I will assume that you are refusing to execute said document. I will then be filing a written designation of counsel pursuant to GR 19.1(b)(2) on December 13, 2004.

If you have any questions in regards to the contents of this letter, please feel free to contact me at my office.

Si Yu'os Ma'ase
MANTANONA LAW OFFICE



RAWLEN M T MANTANONA, a duly
Licensed employee.

RM/lmb
Enclosure

GCIC Building, Suite 601B 414 West Soledad Avenue Hagatna, Guam 96910

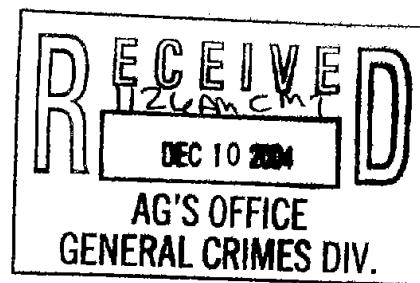
Telephone 671 472-3666 Facsimile 671 472-3668 Email rmlaw@guam.net

EXHIBIT “D”

1 **MANTANONA**

2 LAW OFFICE

3 GCIC Bldg., Suite 601B
4 414 West Soledad Avenue
5 Hagatna, Guam 96910
6 Telephone (671) 472-3666
7 Facsimile (671) 472-3668



8 Attorney for Lourdes M. Perez and Artemio B. Ilagan

9 **IN THE UNITED STATES DISTRICT COURT**
10 **DISTRICT OF GUAM**

11 JULIE BABAUTA SANTOS, et. al.,) Civil Case No. 04-00006

12 Petitioners,)

13 vs.)

14 FELIX P. CAMACHO, etc., et. al.,)

15 Respondents.)

16 **SUBSTITUTION OF COUNSEL**

17 Defendants, Artemio B. Ilagan and Lourdes M. Perez, herein substitutes the
18 Mantanona Law Office, Rawlen MT Mantanona, Esq., as their retained attorney of record
19 in the above-entitled proceeding in place of the Attorney General of Guam, Douglas B.
20 Moylan, their counsel of record in the above-entitled proceeding, each of the undersigned
21 consenting hereto.

22 Dated: _____

23 
24 ARTEMIO B. ILAGAN
25 Director of Department of Revenue
and Taxation
Defendant

26 Julie B. Santos, et al. v. Felix P. Camacho, etc., et al.
27 04-00006-
28 Substitution of Counsel

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Dated: 12/10/04

Lourdes M. Perez
LOURDES M. PEREZ
Director of Administration
Defendant

Dated: _____

ROBERT M. WEINBERG, ESQ.
Assistant Attorney General
Withdrawing Attorney for Defendants

Dated: 12/10/04

Rawlen M. Mantanona
RAWLEN MT MANTANONA, ESQ.
Mantanona Law Office
Substituting Attorney for Defendants

APPROVED AND SO ORDERED.

Dated this _____ day of _____, 2004.

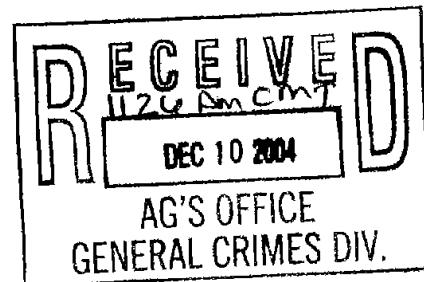
HONORABLE JOAQUIN V.E. MANIBUSAN
Magistrate Judge, District Court of Guam

EXHIBIT “E”

1 **MANTANONA**

2 LAW OFFICE

3 GCIC Bldg., Suite 601B
4 414 West Soledad Avenue
5 Hagatna, Guam 96910
6 Telephone (671) 472-3666
7 Facsimile (671) 472-3668



8 Attorney for **Lourdes M. Perez and Artemio B. Ilagan**

9 **IN THE UNITED STATES DISTRICT COURT**
10 **DISTRICT OF GUAM**

11 JULIE BABAUTA SANTOS, et. al.,) Civil Case No. 04-00006

12 Petitioners,)

13 vs.)

14 FELIX P. CAMACHO, etc., et. al.,)

15 Respondents.)

16) **SUBSTITUTION OF COUNSEL**

17 Defendants, Artemio B. Ilagan and Lourdes M. Perez, herein substitutes the
18 Mantanona Law Office, Rawlen MT Mantanona, Esq., as their retained attorney of record
19 in the above-entitled proceeding in place of the Attorney General of Guam, Douglas B.
20 Moylan, their counsel of record in the above-entitled proceeding, each of the undersigned
21 consenting hereto.

22 Dated: _____


23 ARTEMIO B. ILAGAN
24 Director of Department of Revenue
25 and Taxation
Defendant

Julie B. Santos, et al. v. Felix P. Camacho, etc., et al.
04-00006-

Substitution of Counsel

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Dated: 12/10/04

Lourdes M. Perez
LOURDES M. PEREZ
Director of Administration
Defendant

Dated: _____

DOUGLAS B. MOYLAN
Attorney General of Guam
Withdrawing Attorney for Defendants

Dated: 12/10/04

Rawlen M. Mantanona
RAWLEN MT MANTANONA, ESQ
Mantanona Law Office
Substituting Attorney for Defendants

APPROVED AND SO ORDERED.

Dated this _____ day of _____, 2004.

HONORABLE JOAQUIN V.E. MANIBUSAN
Magistrate Judge, District Court of Guam

EXHIBIT “F”

**Office of the Attorney General**

Douglas B. Moylan
Attorney General of Guam
Guam Judicial Center, Suite 2-200E
120 West O'Brien Drive
HagAtfia, Guam 96910 - USA
(671) 475-3324 • (671) 472-2493 (Fax)
www.guamattorneygeneral.com • law@mail.justice.gov.gu

December 13, 2004

**Mr. Artemio B. Ilagan Director
Department of Revenue & Taxation
13-1 Mariner drive
P.O. Box 23607
GMF, Barrigada Guam 96921
Tel: 475-1817
Fax: 472-2643**

**RE: Attempted discharge of legal representation by Director Loudes M. Perez and
Artemio B. Ilagan in *Julie B. Santos, et al. v. Felix P. Camacho, etc. et al.*
(District Court of Guam Civil Case No. 04-00006)**

Dear Art:

I am in receipt of your letter dated December 09, 2004 requesting that I withdraw my representation of you in the above-styled matter. As you know, under the Organic Act, 48 U.S.C. § 1421g(d)(1), and the laws of Guam, I am the Chief Legal Counsel for the Government of Guam. You are sued in your official capacity only, and as such, your department is undeniably a part of the "Government of Guam." There is not one without the other. Accordingly, by law, I am your designated legal counsel, elected by the People of Guam to establish a coherent legal policy for the Government of Guam by representing you and your legal interests.

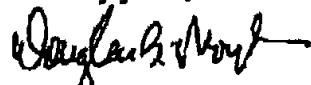
While I appreciate the sentiments expressed in your letter, you have been ill-advised as to the law, and the nature of the attorney-client relationship we have under the Organic act. More importantly, you have been misled as to your authority to retain independent legal counsel without my consent. You have no such authority. Furthermore, the retention of private legal counsel by your department without my express consent is unlawful, and any monies paid pursuant thereto would constitute an illegal expenditure under the laws of Guam.

* Page 2
Letter to Art Ilagan
December 13, 2004

The attorneys you purport to have retained are well aware of the legal arguments presently pending before the courts with respect to the Attorney General's authority to establish a coherent legal policy for the Government of Guam, and to control its litigation decisions, even in the face of disagreement by the elected or appointed government official being represented by this office. If the private attorneys you have attempted to retain have not shared the law with you that we have cited to them and the Court, it is further evidence that you are being disserved. But I would be happy to provide you topics of the legal arguments and discuss the matter with you in person.

The issue of the control of litigation, and whether your purported counsel are authorized to represent you without a legal contract and without my consent are issues presently pending before the court, and your request that I withdraw will not affect the Court's ultimate disposition of the matter. Until the courts rule otherwise, it is my duty under the Organic Act to zealously represent and advocate your legal interests in the manner I deem best for the Government of Guam. I have no intention of abdicating that responsibility. Until the courts instruct me otherwise, your request that I withdraw is duly noted, and denied.

Sincerely yours,



Douglas B. Moylan

EXHIBIT “G”

**Office of the Attorney General**

Douglas B. Moylan
Attorney General of Guam
Guam Judicial Center, Suite 2-200E
120 West O'Brien Drive
Hagåtña, Guam 96910 - USA
(671) 475-3324 - (671) 472-2493 (Fax)
www.guamattorneygeneral.com • law@mail.justice.gov.gu

December 13, 2004

Ms. Lourdes M. Perez
Director of Administration
P.O.Box 884
Hagåtña Guam 96932
Tel: 475-1101
Fax: 477-6788

**RE: Attempted discharge of legal representation by Director Lourdes M. Perez and
Artemio B. Ilagan in *Julie B. Santos, et al. v. Felix P. Camacho, etc. et al.*
(District Court of Guam Civil Case No. 04-00006)**

Dear Lou:

I am in receipt of your letter dated December 09, 2004 requesting that I withdraw my representation of you in the above-styled matter. As you know, under the Organic Act, 48 U.S.C. § 1421g(d)(1), and the laws of Guam, I am the Chief Legal Counsel for the Government of Guam. You are sued in your official capacity only, and as such, your department is undeniably a part of the "Government of Guam." There is not one without the other. Accordingly, by law, I am your designated legal counsel, elected by the People of Guam to establish a coherent legal policy for the Government of Guam by representing you and your legal interests.

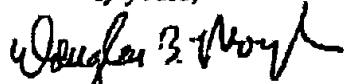
While I appreciate the sentiments expressed in your letter, you have been ill-advised as to the law, and the nature of the attorney-client relationship we have under the Organic act. More importantly, you have been misled as to your authority to retain independent legal counsel without my consent. You have no such authority. Furthermore, the retention of private legal counsel by your department without my express consent is unlawful, and any monies paid pursuant thereto would constitute an illegal expenditure under the laws of Guam.

Page 2
Letter to Lou Perez
December 13, 2004

The attorneys you purport to have retained are well aware of the legal arguments presently pending before the courts with respect to the Attorney General's authority to establish a coherent legal policy for the Government of Guam, and to control its litigation decisions, even in the face of disagreement by the elected or appointed government official being represented by this office. If the private attorneys you have attempted to retain have not shared the law with you that we have cited to them and the Court, it is further evidence that you are being disserved. But I would be happy to provide you copies of the legal arguments and discuss the matter with you in person.

The issue of the control of litigation, and whether your purported counsel are authorized to represent you without a legal contract and without my consent are issues presently pending before the court, and your request that I withdraw will not affect the Court's ultimate disposition of the matter. Until the courts rule otherwise, it is my duty under the Organic Act to zealously represent and advocate your legal interests in the manner I deem best for the Government of Guam. I have no intention of abdicating that responsibility. Until the courts instruct me otherwise, your request that I withdraw is duly noted, and denied.

Sincerely yours,



Douglas B. Moylan

EXHIBIT “H”

**MANTANONA
LAW OFFICE**

GCIC Bldg., Suite 601B
414 West Soledad Avenue
Hagatna, Guam 96910
Telephone (671) 472-3666
Facsimile (671) 472-3668

Attorney for Lourdes M. Perez and Artemio B. Ilagan

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF GUAM

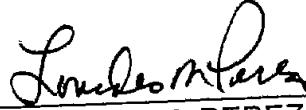
**NOTICE OF DESIGNATION FOR SUBSTITUTION OF COUNSEL PURSUANT TO
GENERAL RULE 19.1(b)(2)**

To: Michael Phillips, Esq., Phillips and Bordallo
Shannon Taitano, Esq. and Rodney Jacob, Attorney for Governor of Guam
Douglas Moylan, Attorney General of Guam
Rodney Jacob, Esq., Calvo and Clark, LLP

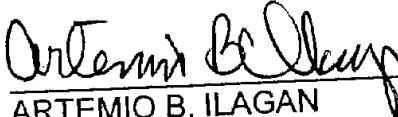
PLEASE TAKE NOTICE that the Mantanona Law Office hereby files its written designation for substitution of counsel on behalf of Respondents Lourdes M. Perez and Artemio B. Ilagan in the above-entitled matter. Previous to the filing of this designation, Respondents Perez and Ilagan sought the signature of their previous counsel on a substitution of counsel pursuant to General Rule 19.1(b)(1), but their previous counsel refused. Therefore, this designation is being filed pursuant to General Rule 19.1(b)(2).

1
2 CONSENT TO SUBSTITUTION OF COUNSEL BY RESPONDENTS:
3

4 Dated: 12/10/04


5 LOURDES M. PEREZ
6 Defendant

7 Dated: _____


8 ARTEMIO B. ILAGAN
9 Defendant

10 Dated: December 10, 2004.

11 MANTANONA LAW OFFICE
12 Attorney for Lourdes M. Perez
13 and Artemio R. Ilagan


14 RAWLEN MT MANTANONA
15 A duly licensed employee

16 IT IS HEREBY ORDERED THAT the Mantanona Law are substituted as counsel of
17 record for Respondents Lourdes M. Perez and Artemio B. Ilagan.

18 IT IS SO ORDERED this _____ day of December, 2004.

19
20 HONORABLE JOAQUIN V.E. MANIBUSAN
21 Magistrate Judge, District Court of Guam
22
23

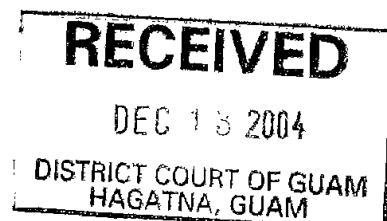
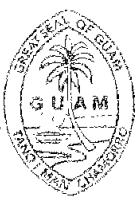


EXHIBIT “I”



Office of the Governor of Guam

P.O. Box 2950 Hagåtña, Guam 96932
TEL: (671) 472-8931 • FAX: (671) 477-4826 • EMAIL: governor@mail.gov.gu

Felix Perez Camacho
Governor

Kaleo Scott Moylan
Lieutenant Governor

10 NOV 2004

Rawlen M.T. Mantanona
Attorney at Law
Mantanona Law Office
GCIC Bldg, Ste. 601B
414 W. Soledad Ave.
Hagåtña, Guam 96910

Re: *Santos v. Camacho et al.*, District Court Case No. CV04-0006

Dear Mr. Mantanona:

I am writing to inform you that you have been selected to represent Artemio B. Ilagan and Lourdes M. Perez in the above-captioned case pursuant to the certificate of emergency for procurement of legal services.

Thank you for your willingness to undertake this representation.

Sincerely,

Sh. T.

Shannon Taitano

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CERTIFICATE OF SERVICE

I, Rawlen M. T. Mantanona, do hereby certify that on the 14th day of December, 2004, caused the above Declaration of Rawlen MT Mantanona to be served upon the counsels of record in this matter by delivering and leaving one (1) copy of same at the following offices, as follows:

Michael Phillips, Esq.
Phillips & Bordallo, P.C.
410 West O'Briend Drive
Hagatna, GU 96910

Shannon Taitano, Esq.
Office of the Governor of Guam

Douglas Moylan
Office of the Attorney General
Suite 2-200E, Guam Judicial Center
120 West O'Brien Drive
Hagatna, GU 96910

Rodney Jacob, Esq.
Calvo & Clark, LLP
655 S. Marine Corps Drive
Tamuning, GU 96913

Dated: December 14, 2004

MANTANONA LAW OFFICE
Attorney for **Lourdes M. Perez and**
Artemio B. Ilagan

By:



RAWLEN M T MANTANONA
A duly licensed employee.